

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4870

IN THE MATTER OF:

Served June 14, 1996

| | | |
|-----------------------------|---|-------------------|
| Application of TELAGRAY |) | Case No. AP-96-33 |
| TRANSPORTATION INC., for a |) | |
| Certificate of Authority -- |) | |
| Irregular Route Operations |) | |

By application accepted for filing June 4, 1996, TeLaGray Transportation Inc., a Maryland corporation, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant proposes commencing operations with one van.

Applicant's proposed tariff, Exhibit D, contains group charter rates and per capita rates for the handicapped and disabled. Of the two charter rates, one applies "within the Washington, D.C. vicinity;" the other applies "within the Washington metropolitan area (Northern Virginia, Southern Maryland)." Applicant will be directed to file an amended Exhibit D defining the terms "vicinity" and "metropolitan area (Northern Virginia, Southern Maryland)," plus a separate statement explaining why proposing different charter rates for different areas of the Metropolitan District should not be found "unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District."¹

An applicant bears the burden of establishing fitness and consistency with the public interest.² The fitness inquiry focuses on an applicant's financial fitness, operational fitness, and regulatory compliance fitness.³ To make a prima facie case of financial fitness, an applicant must show the present ability to sustain operations during the first year under WMATC authority.⁴ An applicant must proffer evidence that it "has secured the financing needed to implement and sustain the proposed service."⁵ Applicant's balance

¹ Compact, tit. II, art. XI, § 16(a).

² In re Marylou's Janitorial Serv., Inc., t/a Marylou's Transp. Serv., No. AP-96-23, Order No. 4827 (May 6, 1996).

³ Id.

⁴ Id.

⁵ Id.

sheet, Exhibit E, shows negative working capital of \$3,176,⁶ and no prepaid insurance. Applicant will be directed to file a cash flow statement for the first year of WMATC operations.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than June 25, 1996, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than July 16, 1996, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than June 25, 1996, an original and four copies of:

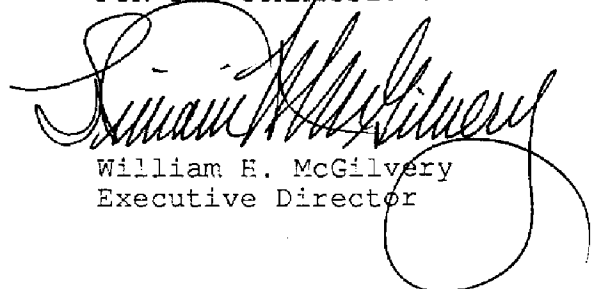
a. An amended Exhibit D defining the terms "vicinity" and "metropolitan area (Northern Virginia, Southern Maryland)."

b. A statement explaining why proposing different charter rates for different areas of the Metropolitan District should not be found unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District.

c. A cash flow statement for the first year of WMATC operations.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is July 16, 1996, and that copies must be served on applicant's president, Tevis L. Grayton, 5303 - 85th Avenue, Suite 11, New Carrollton, MD 20784.

FOR THE COMMISSION:



William H. McGilvery
Executive Director

⁶ Working capital is defined as current assets minus current liabilities.